



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/620,683

07/15/2003

Norihiro Edwin Aoki

AOL0080

9636

22862 7590 08/25/2009

GLENN PATENT GROUP  
3475 EDISON WAY, SUITE L  
MENLO PARK, CA 94025

EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2452

NOTIFICATION DATE

DELIVERY MODE

08/25/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eptomatters@glenn-law.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/620,683	<b>Applicant(s)</b> AOKI, NORIHIRO EDWIN	
	<b>Examiner</b> DOHM CHANKONG	<b>Art Unit</b> 2452	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5-8,11-13,16,17,19,20 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-8, 11-13, 16, 17, 19, 20, and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2452

### **DETAILED ACTION**

1. This action is in response to Applicant's after final amendment filed on 8/11/2009. Claim 12 is cancelled. Claims 1, 13, and 25 are amended. Claims 2-4, 9, 10, 14, 15, 18, 21, and 22 were previously cancelled. Accordingly, claims 1, 5-8, 11-13, 16, 17, 19, 20, and 23-25 are presented for further examination.
2. The previous actions were in error because they did not properly reject dependent claim 12. Thus, this action is a non-final rejection and properly addresses the limitations of dependent claim 12.

### ***Response to Arguments***

3. Applicant should note that the ground of rejection has not changed. The rejection now relies on the Lee reference to teach the limitations of now cancelled claim 12.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-8, 11, 13, 17-20, and 23-25 are rejected under 35 U.S.C §103(a) as being anticipated by Leber et al, U.S Patent Publication No. 2003|0182391 ["Leber"] in view of

Art Unit: 2452

Zircher et al, U.S. Patent No. 7.139.798 [“Zircher”], in further view of Lee et al, U.S. Patent No. 2003|0233265 [“Lee”].

5. Leber, Zircher, and Lee were both cited in the previous Office action, filed 4.9.2007.

6. All citations are to Leber unless otherwise noted.

7. As to claim 1, Leber as modified by Zircher and Lee discloses a system for manipulating and updating data in a backend system, said apparatus comprising:

a messaging client for exchanging messages over a network with a messaging server to and from other messaging clients and said backend system [Figure 1 «items 100, 110, 119, 130» | 0062-0064];

an automated agent for:

accepting requests and issuing responses [0037, 0038];

obtaining and using data input from said messaging clients to determine said manipulating and updating of data [0064-0069, 0138, 0254];

asking a series of questions to said messaging client to determine intent [*Lee*, 0012: the bot first asks invitees about their free time and optional information and then asks a second question about availability preferences when there are conflicts]; and

initiating messaging communications to said other messaging clients [*Zircher*, column 10 «lines 2-5» : “Some bots could automatically invite users to shared spaces”] and mediating a discussion related to said input data [*Zircher*, column 14 «lines 43-51»]

Art Unit: 2452

where : bots act as managers for the shared space and can modify the space | column 21  
«lines 27» to column 22 «line 9» where : a FAQ bot "mediates" a discussion by  
responding to user queries within the collaboration space];  
proactively sending to said messaging client messages comprising, but not limited to  
alerts and reminders [*Lee*, 0044, 0051, 0057, 0058: agent proactively notifies and reminds  
invitees of meetings];  
determining resource availability [0095-0111]; and  
said automated agent being coupled to between said messaging system and said backend  
system [0064-0069, 0138, 0254].

Leber fails to disclose the automated agent initiating communications with other  
messaging clients and mediating a discussion related to said input data. However, such a feature  
was well known in the art at the time of Applicant's invention. Zircher is directed towards a  
system for establishing a collaboration space involving messaging clients and bots or automated  
agents [abstract]. Like Leber, Zircher discloses that the automated agents are coupled between  
the messaging system and is capable of accepting requests and issuing responses to client queries  
[column 9 «lines 28-41»].

However, Zircher's bots provide additional functionality over Leber's agents. For  
example, Zircher's bots are capable of initiating communications with other messaging clients  
and mediating a discussion related to said input data. It would have obvious to one of ordinary  
skill in the art to have adapted Leber's automated agents to include the additional functionality  
taught in Zircher. Providing the additional functionality such as the ability to automatically  
communicate with other clients and manage a collaboration space with multiple clients into

Art Unit: 2452

Leber would increase the capabilities of Leber's agents including enabling collaboration among users in a shared spaces, scheduling meetings or calendar functions [column 19 «lines 32-46» | column 20 «lines 17-31»].

Leber and Zircher fail to disclose an agent that proactively sends to said messaging client messages comprising, but not limited to alerts and reminders or asks a series of questions to said messaging client. However, both features were well known in the art at the time of Applicant's invention as evidenced by Lee.

Like Leber and Zircher, Lee is directed towards implementing a bot within an instant messaging system where the bot facilitates communications between the users of the system [abstract: agent]. As detailed in the claim mapping, Leber discloses an agent that proactively sends notifications and reminders to meeting invitees to remind users to join a meeting or respond to invitations. Leber further discloses that the agent asks messaging clients a series of questions to determine their availability (intent) to join communications between the clients.

It would have been obvious to one of ordinary skill in the art to have modified Leber to include the active agent as taught by Lee. Such a modification to Leber's system is an example of using a known technique (Lee's agent proactively sending notifications and alerts to meeting invitees and interacting with clients by submitting a series of questions to determine their availability) to improve similar systems (Lee and Leber are directed to interactive bots to facilitate communications in an instant messaging system) in the same way. *See MPEP § 2143.*

8. As to claim 5, Leber discloses the automated agent appearing as a buddy on a buddy list [0267].

9. As to claim 6, Leber discloses said other messaging clients are associated with prospective meeting attendees and said discussion related to a meeting of said attendees [0096-105].

10. As to claim 7, Leber discloses said automated agent is capable of responding with information, confirmation, availability, and a request for additional information [0096-0146].

11. As to claim 8, Leber discloses said messaging client exchanges messages via said network with said messaging server by any of two-way messaging, email, a paging network, and instant messaging systems [Figure 1].

12. As to claim 11, Leber discloses said messaging clients engage in dialogs with said automated agents [0096-0146].

13. As to claim 12, Leber discloses said automated agent performs any of:

14. As to claims 13, 16, 17, 19, 20, 23 and 24, as they do not teach or further define over the limitations of claims 1, 5-8, 11, and 12, claims 13, 17, 19, 20, 23 and 24 are rejected for at least the same reasons set forth for claims 1, 5-8, 11, and 12.

Art Unit: 2452

15. As to claim 25, Leber discloses a computer readable storage medium encoded with instructions, which when loaded into a digital computational device establishes a robot agent for receiving Instant Messages from a first user-client and responsively interacting between the first user-client, a calendar server system, and other user-clients to enable each of the user-clients to enter queries and updating data into, and to receive queries and data from, the calendar server system [Figure 3 «items 300, 306, 315» | Figure 5 «items, 520, 530, 522, 526» | 0030-0034],

said robot agent including means for:

asking a series of questions to said messaging client to determine intent [*Lee*, 0012];

proactively sending to said messaging client messages comprising, but not limited to alerts and reminders [*Lee*, 0044, 0051, 0057, 0058: agent proactively notifies and reminds invitees of meetings];

determining resource availability [0095-0111]; and

initiating messaging communications to said other messaging clients [*Zircher*, column 10 «lines 2-5» : “Some bots could automatically invite users to shared spaces”] and mediating a discussion related to said input data [*Zircher*, column 14 «lines 43-51» where : bots act as managers for the shared space and can modify the space | column 21 «lines 27» to column 22 «line 9» where : a FAQ bot "mediates" a discussion by responding to user queries within the collaboration space];

See the rejection of claim 1 for rejection rationale and motivation for modifying Leber's invention to include Zircher and Lee's teachings.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571.272.3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/  
Primary Examiner, Art Unit 2452